

For discussion
on 19 May 2014

**LEGISLATIVE COUNCIL
PANEL ON PUBLIC SERVICE**

**Implementation of Paternity Leave in the Government and
Government-funded Public Bodies**

Introduction

This paper provides members with an update on the implementation of paternity leave in the Government and Government-funded public bodies.

Background

2. With effect from 1 April 2012, the Government has provided five working days of paternity leave with full pay to eligible government employees. The major features of the scheme are set out at **Annex A**. We last updated the Panel on Public Service (“the Panel”) at the meeting on 18 February 2013 on the provision of paternity leave to government employees. An update on the implementation of the scheme is provided in paragraphs 4 and 5 below.

3. In response to the Panel’s request in November 2013 for information regarding the practices of Government-funded public bodies on the provision of paternity leave to employees, the Labour Department (LD) has conducted a survey to collect the required information. Details are provided in paragraphs 6 and 7 below.

Present Position

(a) Implementation of paternity leave in the Government

4. During the two-year period from 1 April 2012 to 31 March 2014, a total of 5,524 government employees (including 5,281 civil servants (i.e. 96% of the total eligible applicants) and 243 non-civil servants (i.e. 4% of the total eligible applicants)) have taken paternity leave in the said period. All eligible applications were approved. Amongst these leave takers, 58% (i.e. 3,218) are government employees of the six Disciplined Services Departments¹. Three quarters of all the leave takers (i.e. 75% or 4,157) are from the ten Departments² with most paternity leave applications during the period.

5. So far, the implementation of the scheme in all Bureaux/Departments has been smooth and the views on the paternity leave arrangements are positive. We will keep the paternity leave scheme under review having regard to the scope of statutory provision of paternity leave.

(b) Implementation of Paternity Leave in Government-funded public bodies

6. The Administration is requested to provide information regarding the practices of Government-funded public bodies on the provision of paternity leave to their employees. It should be noted that the terms of employment of staff in public organisations are employment matters between these organisations as employers and their employees. Having regard to their own circumstances, these organisations have full autonomy in deciding whether or not to adopt any family-friendly employment practices or measures, including the granting of paternity leave to employees.

¹ The six Disciplined Services Departments are the Hong Kong Police Force, Fire Services Department, Immigration Department, Customs and Excise Department, Correctional Services Department and Government Flying Service. As at 31 December 2013, the strength of male civil servants in these six Disciplined Services Department accounts for 48% of total strength of male civil servants in all Bureaux/Departments.

² These ten Departments are the Hong Kong Police Force, Fire Services Department, Immigration Department, Customs and Excise Department, Correctional Services Department, Leisure and Cultural Services Department, Electrical and Mechanical Services Department, Food and Environmental Hygiene Department, Housing Department and Hongkong Post. As at 31 December 2013, the strength of male civil servants in these ten Departments accounts for 69% of total strength of male servants in the Government.

7. The Administration does not have information on the employment terms and conditions of these organisations. At the request of the Panel on Public Service which considered the compilation of such information would facilitate its consideration of the subject, LD conducted a questionnaire survey in early 2014 to collect information regarding the practices of Government-funded public bodies on the provision of paternity leave to their employees. LD issued a questionnaire to 58 organisations and 33 were identified to be falling within the scope of the survey³. Among these 33 organisations, 20 (61%) provided fully-paid paternity leave while 13 (39%) did not provide paternity leave. Details of the practices of these 20 organisations in providing paternity leave are set out at **Annex B**.

Views sought

8. Members are invited to note the information in this paper.

Civil Service Bureau
Labour and Welfare Bureau
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³ The other 25 organisations were excluded because they were not funded by the Government, only employed Government employees, or did not engage any male staff at the time of the survey.

Major Features of Paternity Leave Scheme for Government Employees

- (a) Five working days of paternity leave on full-pay basis will be provided to eligible employees on the occasion of each childbirth within marriage. The Secretary for the Civil Service has discretion to grant paternity leave to eligible employees on the occasion of childbirth outside of marriage on a case-by-case basis;
- (b) paternity leave will be provided to eligible employees irrespective of the number or place of childbirth;
- (c) all full-time⁴ male government employees (including civil servants, non-civil service contract (NCSC) staff and political appointees) with not less than 40 weeks' continuous service immediately before the expected or actual date of childbirth will be eligible for paternity leave;
- (d) paternity leave may be taken during the period from four weeks before the expected date of childbirth to eight weeks after the actual date of childbirth;
- (e) an eligible officer may take paternity leave in one stretch or in splits. The relevant Bureau/Department may specify the mode of taking paternity leave with a view to striking an appropriate balance between operational considerations and the needs of individual officer; and
- (f) any untaken paternity leave cannot be encashed or carried forward to a future childbirth.

⁴ For the purpose of the provision of paternity leave, "full-time" means the employment is on a "continuous contract" as defined in the Employment Ordinance (Cap. 57), namely an employee who works continuously for the same employer for four weeks or more, with at least 18 hours in each week.

Key Findings of the Survey on Provision of Paternity Leave by Government-funded Public Bodies

The key findings of the survey on the provision of paternity leave by Government-funded public bodies are summarised below.

Provision of paternity leave

2. Among the 33 respondent organisations which fell within the scope of the survey, 20 (61%) provided fully-paid paternity leave to their employees while 13 (39%) did not provide paternity leave.

Duration of paternity leave

3. Among the 20 organisations which provided paternity leave to their employees, the majority (17 organisations, or 85%) provided five days' paternity leave while the rest (3 organisations, or 15%) provided three days' paternity leave.

Marital status

4. Among the 20 organisations which provided paternity leave to their employees, 10 (50%) did not impose any restrictions on the employees' marital status. While the other 10 organisations indicated that they provided paternity leave to married employees, two of them indicated that they would consider applications from unmarried employees on a case-by-case basis.

Length of service

5. 19 (95%) out of the 20 organisations offering paternity leave required their male employees to have a certain length of service in order to be eligible for paternity leave. Among them, 12 (63%) required their employees to have been employed for at least 40 weeks before the expected or actual date of birth of the child or before the taking of paternity leave.

Place of childbirth

6. A majority of the organisations offering paternity leave (18

organisations, or 90%) granted paternity leave for cases of childbirth outside Hong Kong and accepted documentary proof issued outside Hong Kong.

Documentary proof

7. All of the organisations offering paternity leave required their employees to produce documentary proof to support their paternity leave applications. The baby's birth certificate, the employee's marriage certificate or the pregnancy certificate of the baby's mother were the most common documents required.

Restrictions on taking of paternity leave

8. The organisations concerned did not impose further restrictions on the taking of paternity leave (e.g. the number of occasions that an employee may take paternity leave, the frequency of his taking such leave, etc.).